

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Response to Public Notice ) MM Docket Nos. 91-221, 87-8,  
re Television Local ) 94-150, 92-51, 87-154  
Marketing Agreements )

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JUL - 8 1997

RESPONSE OF CBS INC.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CBS Inc. ("CBS") hereby respectfully submits its response to the Commission's Public Notice, released on June 17, 1997, seeking certain information regarding television local marketing agreements (LMAs).

CBS's parent company, Westinghouse Electric Corporation ("Westinghouse"), is currently a party to a Program License and Sales Representation Agreement with WEYS Television Corp. ("WEYS Television") and Cayo Hueso Television Corp. ("Cayo Hueso") concerning television station WEYS-TV (the "Station"), Key West, Florida. Although CBS believes that this Agreement does not constitute, and should not be regarded as, an LMA, it is nonetheless responding to the Notice because certain aspects of the Agreement may be thought to resemble an LMA. The information sought by the Commission, and CBS's responses thereto, are set forth below.

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1. For both the brokering and brokered stations, the name of the licensee, call letters, channel number, and community of license.

As indicated above, we do not regard the Agreement as an LMA, and therefore there is no "brokering" or "brokered" station. Under the Agreement, CBS provides and licenses to WEYS<sup>1</sup> a 24-hour per-day program service (subject to the reservation of certain time periods for the presentation of programming supplied by the Station's licensee)<sup>2</sup>, consisting of the Spanish language news channel, CBS Telenoticias, and local news inserts provided by WFOR-TV, the CBS Owned television station in Miami (the latter to be supplied and broadcast at the parties' mutual discretion). The Agreement also provides that CBS Television Sales will act as the sales representative<sup>3</sup> for the Station with respect to all

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<sup>1</sup> The signal of WEYS-TV is also rebroadcast on low power television stations W55BV, Homestead, Florida and W21BD, Pompano Beach, Florida.

<sup>2</sup> In addition to up to three hours of time between 7 a.m. and 10 a.m. on Saturdays and Sundays which is reserved for use by the Station's licensee, the licensee has the right under the Agreement to preempt programming supplied by CBS Telenoticias and WFOR in order, among other things, to present programming which it reasonably deems to be of greater national, regional or local importance. The licensee has recently informed CBS that it intends to preempt the 6:30 to 7:30 p.m. time period on Mondays and Wednesdays for a two week period beginning on July 7, and the 12:01 to 6:00 a.m. time period, for the presentation of Spanish language documentary programming.

<sup>3</sup> CBS does not believe the Agreement raises questions under the network sales representation rule, 47 CFR § 73.658 (h),  
(continued...)

national advertising time sold within the programming supplied by CBS<sup>4</sup>, and that WFOR will fulfill this role with respect to local advertising time sold in such programming.<sup>5</sup> The revenues from these advertising sales are to be divided between the parties as set forth in the Agreement.

WFOR-TV broadcasts on channel four and is licensed to Miami, Florida. The licensee of the station is Group W/CBS Television Stations Partners, an entity wholly owned by Westinghouse. WEYS-TV broadcasts on channel 22 and is licensed to Key West, Florida. The licensee of the Station is WEYS Television.

2. The name and rank of the Nielsen Designated Market area(s) in which the brokering and brokered stations are located.

Both WFOR-TV and WEYS-TV are located in the Miami-Fort Lauderdale Designated Market Area, which is the sixteenth largest DMA.

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<sup>3</sup>(...continued)  
because the purposes of the rule are not implicated by the arrangement here in issue.

<sup>4</sup> For convenience, Westinghouse, CBS Telenoticias and WFOR-TV are sometimes collectively referred to herein as "CBS."

<sup>5</sup> The Station is selling certain limited amounts of commercial time within this programming to advertisers which have not been approached by CBS Television Sales or WFOR-TV.

3. Whether the brokering and brokered stations have overlapping signal contours and, if so, specify the degree of city grade, grade A or grade B overlap.

There is no signal contour overlap between WEYS-TV and WFOR-TV.

4. The date on which the parties entered the LMA.

The Agreement is dated as of December 27, 1996.

5. Information regarding the term of the LMA -- specifically, the start and end dates of the initial term of the LMA, whether the LMA includes renewal provisions, and, if so, the specific terms of such renewal provisions, e.g., length, at which party's option the renewal may be exercised, whether renewal is automatic, notice for granting renewal option, etc.

The term of the Agreement is for one year, commencing on January 1, 1997. The Agreement contains no renewal terms, although the parties agree to negotiate, "if appropriate," concerning such a renewal within the 90 day period prior to the Agreement's expiration.

6. The percentage of the brokered station's weekly broadcast hours that is brokered by the brokering station.

As indicated above, CBS provides a 24-hour per-day, seven-day-per-week, program service to WEYS-TV, subject to the

reservation or preemption of certain time periods by the Station's licensee for the presentation of programming which it supplies, as described in note 2.

7. Whether the brokering or brokered stations are owned by or affiliated with the ABC, CBS, Fox, NBC, UPN or WB broadcast television networks. If so, please specify the identity of the network and whether the relationship between the network and station is that of ownership or affiliation.

As noted above, WFOR-TV is wholly owned by Westinghouse, the parent company of CBS, through an affiliated entity. WEYS-TV is not affiliated with or owned by any of the foregoing television networks.

8. The reported Nielsen all-day audience share (measuring 9 a.m. through midnight) for both the brokering and brokered station during the last three most recent rating periods.

The all-day household rating/share data for WFOR-TV during the last three rating periods was as follows:

May 1997	4.8/11
February 1997	4.6/10
November 1996	4.2/9

Ratings for WEYS-TV are not included as part of the regular Miami-Ft. Lauderdale rating report, because the station does not

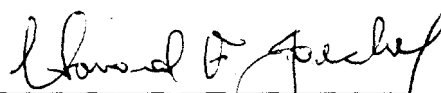
garner a significant enough portion of the audience to be reportable in the Miami market.

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CBS trusts the above information is responsive to the Commission's inquiry.

Respectfully submitted,

CBS Inc.

By   
Howard F. Jaeckel

Its Attorney

July 8, 1997